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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,928	03/02/2004	Ulrich Eggert	P400347	3248

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08/24/2005

Alexander R. Schlee

Suite 203

3770 Highland Ave.

Manhattan Beach, CA 90266

EXAMINER

LE, DAVID D

ART UNIT

PAPER NUMBER

3681

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10-790928

EXAMINER

ART UNIT	PAPER
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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The below is the Office communication regarding the applicant's response, filed on 29 July 2005:

1. Applicant's election of Species B, claims 1-5 and 9-22, in the reply filed on 29 July 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. After a thorough review, claims 1-5 and 9-22 are not readable to the elected Species B (Fig. 4) for the reason as follows:
Claim 1, line 14 recites the limitation "wherein the intermediate shaft is in gearing connection with the first input shaft." This limitation is only shown/disclosed in the nonelected Species A (Fig. 3). The currently elected Species B (Fig. 4) discloses the intermediate shaft (8) is in gearing connection with the second input shaft (26).
3. Additionally, claims 10-14 appear to be hybrid claims because they require the intermediate shaft (8) to be in gearing connection with both, first input shaft (3) and second input shaft (26), which is not disclosed in the present specification.
4. Accordingly, the reply to the Election/Restrictions, filed on 29 July 2005, is not fully responsive because it does not contain any claim that is readable to the elected Species B (Fig. 4). See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Charles A. Marmorek 8/2/05
CHARLES A. MARMOREK
SUPERVISORY PATENT EXAMINER
3681